#### UNITED STATES ENVIRONMENTAL PROTECTION AGENCY



REGION 2 290 BROADWAY NEW YORK, NEW YORK 10007-1866

JUL 3 1 2013

## <u>CERTIFIED MAIL –</u> RETURN RECEIPT REOUESTED

Robert A. Bartlett, CEO
The F.A. Bartlett Tree Expert Company
Greg Daniels, President and Chief Operations Officer
1290 East Main Street
Stanford, CT 06902

Re:

Request for Information Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. § 9604(e), Related to the New Cassel/Hicksville Ground Water Contamination Superfund Site in the Towns of Hempstead, North Hempstead and Oyster Bay in Nassau County, New York

#### Dear Sir:

The U.S. Environmental Protection Agency ("EPA") is charged with responding to the release or threat of release of hazardous substances, pollutants, and contaminants into the environment and with enforcement responsibilities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. §§ 9601-9675. EPA has documented the release and threat of release of hazardous substances into the environment at the New Cassel/Hicksville Ground Water Contamination Superfund Site located in the Towns of Hempstead, North Hempstead, and Oyster Bay in Nassau County, New York (the "Site"). A Site Description and a Site Location Map are enclosed. On September 16, 2011, the Site was listed on the "National Priorities List" of hazardous substance releases that has been established pursuant to CERCLA. In response to these releases and the threat of future releases, EPA has spent public funds and EPA anticipates spending additional public funds for the Site.

The Site comprises a widespread area of ground water contamination in the Towns of Hempstead, North Hempstead, and Oyster Bay. The Site is located in a heavily developed area consisting of industrial, commercial, and residential land where a variety of past industrial and commercial activities may have contributed to ground water contamination. Prior to the Site's inclusion on the National Priorities List, an EPA investigation revealed the presence of volatile organic compounds ("VOCs") including, but not limited to, tetrachloroethylene ("PCE") and trichloroethylene ("TCE") above state and federal drinking water standards in influent water in the following public water supply wells: four Town of Hempstead wells (Bowling Green 1 and 2, Roosevelt Field 10 and Levittown 2A), six Hicksville wells (4-2, 5-2, 5-3, 8-1, 8-3 and 9-3) and Westbury Water District Well 11. The aquifers underlying the Site serve as drinking water for the public water systems in the Towns of North Hempstead, Hempstead and Oyster Bay.

#### REQUEST FOR INFORMATION

This letter seeks your cooperation in providing information and documents relating to the Site. EPA requires that you provide a complete and truthful response to the enclosed Request for Information within thirty (30) calendar days of your receipt of this letter. Under Section 104(e) of CERCLA, 42 U.S.C. § 9604(e), EPA has broad information-gathering authority which allows EPA to require persons to provide information or documents relating to the materials generated, treated, stored, or disposed of at or transported from a facility, the nature or extent of a release or threatened release of a hazardous substance, pollutant, or contaminant at or from a facility, and the ability of a person to pay for or perform a cleanup. EPA encourages you to give this letter your immediate attention.

While EPA seeks your cooperation in this investigation, your compliance with this Request for Information is required by law. When you have prepared your response to the Request for Information, please sign and have the enclosed "Certification of Answers to Request for Information" notarized, and return the Certification to EPA along with your response. Please note that false, fictitious, or fraudulent statements or representations may subject you to civil or criminal penalties under federal law. In addition, Section 104 of CERCLA, 42 U.S.C. § 9604, authorizes EPA to pursue penalties for failure to comply with Requests for Information.

Some of the information EPA is requesting may be considered by you to be confidential business information. Please be aware that you may not withhold the information on that basis. If you would like EPA to treat all or part of the information confidentially, you must advise EPA of that fact by following the procedures described in the Instructions included in the enclosed information request, including the requirement of supporting your claim of confidentiality.

If you have information about other parties who may have information which may assist EPA in its investigation of the Site or who may be responsible for contamination at the Site, that information should be submitted to EPA within the time period noted above.

Please note that if, after submitting your response, you obtain additional or different information concerning the matters addressed by the information request, it is necessary that you promptly notify EPA. You have a continuing obligation to supplement your response if new or different information should later become known or available to you.

This Request for Information is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. §§ 3501-3520.

Your response to the Request for Information should be mailed to Beverly Kolenberg, Assistant Regional Counsel, Office of Regional Counsel, U.S. Environmental Protection Agency, 290 Broadway, 17<sup>th</sup> Floor, New York, New York 10007-1866, with a copy to Jennifer LaPoma, Remedial Project Manager, Emergency and Remedial Response Division, U.S. Environmental Protection Agency, 290 Broadway, 20<sup>th</sup> Floor, New York, New York 10007-1866, or by email to Ms. LaPoma at <u>lapoma.jennifer@epa.gov</u>.

If you have any questions regarding the Request for Information, or would like to discuss this

matter with EPA, you may call Ms. Kolenberg at (212) 637-3167, or send her an email at kolenberg.beverly@epa.gov. We appreciate and look forward to your prompt response to this information request.

Sincerely yours,

Nicoletta Diforte

Senior Enforcement Policy Advisor

Emergency and Remedial Response Division

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Enclosures

# **New Cassel and Hicksville**

**New York** 

EPA ID#: NY0001095363

#### **EPA REGION 2**

Congressional District(s): 05

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NPL LISTING HISTORY Proposed Date: 3/10/2011 Final Date: 9/16/2011

# **Site Description**

EPA listed the New Cassel/Hicksville Ground Water Contamination Site (Site) on the National Priorities List (NPL) of sites eligible for long-term remedial action financed under the Comprehensive Environmental Response, Compensation, and Liability Act, more commonly known as Superfund, on September 16, 2011. The Site is considered to be an area of widespread groundwater contamination within the Towns of North Hempstead, Hempstead and Oyster Bay in Nassau County, New York.

In 2010, EPA collected groundwater samples from raw (pre-treated) water from multiple public supply wells (PSWs) in central Nassau County and analyzed the raw water samples to determine whether volatile organic compounds (VOCs) were present above the Maximum Contaminant Level (MCL). VOCs are contaminants that evaporate easily into the air and dissolve in water. The MCL is a federal standard for drinking water quality that is a legal threshold limit on the amount of a substance that is allowed in public water systems under the Safe Drinking Water Act. EPA's 2010 analytical results determined that there were VOCs above the MCL in the raw water in four Town of Hempstead wells (Bowling Green 1 and 2, Roosevelt Field 10, and Levittown 2A), six Hicksville wells (4-2, 5-2, 5-3, 8-1, 8-3, and 9-3) and Westbury Water District Well 11.

## **Threat and Contaminants**

The primary contaminants of concern for the Site are tetrachloroethylene (PCE), trichloroethylene (TCE) and other VOCs. VOCs are often used as ingredients in paints, solvents, aerosol sprays, cleaners, disinfectants, automotive products and dry cleaning fluids. While no individual sources were identified in EPA's March 2011 Hazard Ranking System listing package for inclusion on the NPL, it is believed that past industrial and commercial activities in the area may have contributed the ground water contamination at the Site.

To date, the New York State Department of Environmental Contamination (NYSDEC) has evaluated 17 individual sites within the New Cassel Industrial Area (NCIA), located in the Town of North Hempstead, which are listed on the Registry of Inactive Hazardous Waste Sites in New York State. Responsible parties for these NCIA sites have implemented remedial actions associated with VOC contamination in soils and on-site groundwater. These sites remain under NYSDEC's oversight.

Within the Town of Hempstead, two public supply wells, Bowling Green Well 1 and 2, located approximately 1,500 feet downgradient of the NCIA were found to have TCE and PCE in raw water above the MCL. Raw groundwater pulled from these wells is treated prior to distribution to a population of more than 8,000 people.

During EPA's 2010 pre-NPL sampling, a public supply well field in Hicksville, which is in the Town of Oyster Bay, was found to have exceedances of PCE and TCE above the MCL in the raw ground water. Water from the Hicksville PSWs is treated prior to distribution to a population of more than 24,000 people.

Concentrations of VOCs above the MCL were also found in Hicksville Well 9-3, Hicksville Well 8-3, Hicksville Well 8-1, Hicksville Well 4-2, Hempstead-Levittown Well 2A, Hempstead-Roosevelt Field Well 10, and Westbury Well 11. The PSWs are tested regularly for water quality prior to distribution to the public and continues to meet federal and state water quality standards.

# Cleanup Approach

EPA will be addressing the Site in discrete phases or components known as operable units or OUs. An operable unit

represents a portion of the Site remedy that for technical or administrative purposes can be addressed separately to eliminate or mitigate a release, threat of release or exposure pathway resulting from Site contamination. EPA anticipates that there will be multiple OUs for the Site, and subsequent Proposed Plans and Records of Decision (RODs) will address groundwater contamination at other OUs at the Site.

The first operable unit at the Site, OU1, addresses a portion of the contaminated groundwater downgradient of the NCIA. In the summer of 2013, EPA expects to release a proposed plan, which discusses the remedial alternatives considered and identifies EPA's proposed remedial alternative with the rationale for EPA's preference to address OU1.

EPA will subsequently conduct remedial investigations to determine the nature and extent of contamination in other operable units. Subsequent operable units will include, but may not be limited to, the areas downgradient of OU1, the Sylvania and the General Instruments sites in Hicksville, as well as areas impacting Hicksville PSWs 4-2, 8-1, 8-3, 0-3 and Hempstead-Levittown 2A.

# **Cleanup Progress**

The New Cassel/Hicksville Ground Water Contamination Site was added to the National Priorities List on September 16, 2011.

OU1: In the summer of 2013, EPA will be issuing a proposed plan, which identifies the remedial alternatives considered and EPA's proposed remedial alternative with the rationale for EPA's preference. Once the proposed plan is released, a 30-day public comment period will begin. EPA will also hold a public meeting to answer questions and allow community members to comment on the proposed remedial alternatives for the Site's OU1. After the close of the 30-day comment period and consideration of comments, EPA will issue a Record of Decision for OU1 which determines the remedial action to be performed.

# Site Repositories

U.S. Environmental Protection Agency, Region 2, Superfund Records Center 290 Broadway, 18th Floor, New York, NY 10007-1866

Contact: Jennifer LaPoma, EPA Remedial Project Manager at 212-637-4328 or LaPoma.Jennifer@epa.gov or Cecilia Echols, EPA Community Involvement Coordinator at 212-637-3678 or Echols.Cecilia@epa.gov

# New Cassel/Hicksville Ground Water Contamination Superfund Site Located in Towns of Hempstead, North Hempstead and Oyster Bay, Nassau County, New York

## INSTRUCTIONS FOR RESPONDING TO REQUEST FOR INFORMATION

#### A. Directions

- 1. A complete and separate response should be given for each question.
- 2. Identify each answer with the number of the question to which it is addressed.
- 3. For each document produced in response to this Request for Information, indicate on the document, or in some other reasonable manner, the question to which it applies.
- 4. In preparing your response to each question, consult with all present and former employees and agents of your company whom you have reason to believe may be familiar with the matter to which the question pertains.
- 5. In answering each question, identify each individual and any other source of information (including documents) that was consulted in the preparation of the response to the question.
- 6. If you are unable to give a detailed and complete answer, or to provide any of the information or documents requested, indicate the reason for your inability to do so.
- 7. If you have reason to believe that an individual other than one employed by your company may be able to provide additional details or documentation in response to any question, state that person's name, last known address, phone number and the reasons for your belief.
- 8. If a document is requested but not available, state the reason for its unavailability. To the best of your ability, identify the document by author, date, subject matter, number of pages, and all recipients of the document with their addresses.
- 9. If anything is omitted from a document produced in response to this Request for Information, state the reason for, and the subject matter of, the omission.
- 10. If you cannot provide a precise answer to a question, please approximate but, in any such instance, state the reason for your inability to be more specific.
- 11. <u>Confidential Information</u>. The information requested herein must be provided even though you may contend that it includes confidential business information or trade secrets. You may assert a confidentiality claim covering part or all of the information requested, pursuant to Sections 104(e)(7)(E) and (F) of CERCLA, 42 U.S.C. §§ 9604(e)(7)(E) and (F), and 40 C.F.R. § 2.203(b).

If you make a claim of confidentiality for any of the information you submit to EPA, you must prove that claim. For each document or response you claim to be confidential, you must separately address the following points:

- a. the portions of the information which are alleged to be entitled to confidential treatment;
- b. the period of time for which confidential treatment is desired (e.g., until a certain date, until the occurrence of a specific event, or permanently);
- c. measures taken by you to guard against the undesired disclosure of the information to others;
- d. the extent to which the information has been disclosed to others, and the precautions taken in connection therewith;
- e. pertinent confidentiality determinations, if any, by EPA or other federal agencies, and a copy of any such determinations or reference to them, if available; and
- f. whether you assert that disclosure of the information would be likely to result in substantial harmful effects on your business' competitive position, and if so, what those harmful effects would be; why they should be viewed as substantial, and an explanation of the causal relationship between disclosure and such harmful effects.

To make a confidentiality claim, please stamp, or type, "Confidential" on all confidential responses and any related confidential documents. Confidential portions of otherwise non-confidential documents should be clearly identified. Please submit your response so that all non-confidential information, including any redacted versions of documents, are in one envelope and all materials for which you desire confidential treatment are in another envelope.

All confidentiality claims are subject to EPA verification. It is important that you satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information, that you intend to continue to do so, and that the information is not and has not been obtainable by legitimate means without your consent. Information covered by such a claim will be disclosed by EPA only to the extent permitted by Section 104(e) of CERCLA and 40 C.F.R. Part 2, Subpart B. If no such claim accompanies the information when it is received by EPA, then it may be made available to the public by EPA without further notice to you.

#### B. Definitions

- 1. The terms "and" as well as "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of these questions any information which might otherwise be construed to be outside of their scope.
- 2. The term "arrangement" means every separate contract or other agreement between two or more persons.
- 3. As used herein, and unless otherwise stated, the term "Company" refers to the addressee of this letter or any company, partnership, business, and/or other entity related in any way to the addressee. The term refers to the Company as it is currently constituted, as well as all predecessors and successors in interest of the Company and all subsidiaries, divisions, affiliates, and branches of the Company or of its predecessors or successors.
- 4. The terms "document" and "documents" shall include writings of any kind, formal or informal, whether or not wholly or partially in handwriting, and electronic communications, including by way of illustration and not by way of limitation any email, letter, memorandum of conversations, meetings, or intra-office communication, and any agreements, contracts, invoices, bills of lading and manifests.
- 5. As used herein, the term "Facility" shall mean the Company's facility located in the area of the New Cassel/Hicksville Ground Water Contamination Superfund Site, in the Towns of Hempstead, North Hempstead and Oyster Bay in Nassau County, New York.
- 6. As used herein, the term "industrial waste" shall mean any solid, liquid or sludge or any mixture thereof which possesses any of the following characteristics:
  - a. it contains one or more "hazardous substances" (at any concentration) as defined in 42 U.S.C. § 9601(14);
  - b. it is a "hazardous waste" as defined in 42 U.S.C. § 6903(5);
  - c. it has a pH less than 2.0 or greater than 12.5;
  - d. it reacts violently when mixed with water;
  - e. it generates toxic gases when mixed with water;
  - f. it easily ignites or explodes;
  - g. it is an industrial waste product;
  - h. it is an industrial treatment plant sludge or supernatant;
  - i. it is an industrial byproduct having some market value;
  - i. it is coolant water or blowdown waste from a coolant system;
  - k. it is a spent product which could be reused after rehabilitation; or
  - 1. it is any material which you have reason to believe would be toxic if ingested, inhaled or placed in contact with your skin.
- 7. The term "identify" with respect to a natural person means to set forth the person's name, present and/or last known business address and business telephone number, present

- and/or last known home address and home telephone number, and present and/or last known job title, position, or business.
- 8. The term "identify" with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship) means to set forth its full name, address, legal form (e.g. corporation, partnership, etc.), organization, if any, and a brief description of its business.
- 9. The term "identify" with respect to a document means to provide its customary business description, its date, its number if any (e.g. invoice or purchase order number), the identity of the author, addressor, addressee and/or recipient, and the substance or the subject matter.
- 10. As used herein the term "person" shall have the meaning set forth in Section 101(21) of CERCLA, 42 U.S.C. § 9601(21).
- 11. As used herein, the term "the Property" shall mean and include any property within the Site that your Company either: (1) presently owns or formerly owned at any time or (2) at which your Company presently operates or formerly operated a Facility at the Site.
- 12. The term "Site" shall mean and include the Facility and any Property within the New Cassel/Hicksville Ground Water Contamination ("NCHGWC") Superfund Site. The NCHGWC Site comprises a widespread area of ground-water contamination which is located in the Towns of Hempstead, North Hempstead and Oyster Bay, New York. See enclosed Site Description and Site Location Map.
- 13. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA or the Resource Conservation and Recovery Act, in which case the statutory definitions shall apply.

### REQUEST FOR INFORMATION

- 1. a. State the correct legal name and mailing address of your Company.
  - b. State the name(s) and address(es) of the President, Chief Executive Officer and the Chairman of the Board (or other presiding officer) of the Company.
  - c. Identify the state and date of incorporation of the Company and the Company's agents for service of process in the state of incorporation, and in New York State.
  - d. If your Company is a subsidiary or affiliate of another corporation or entity, identify each of those other corporations or entities and for each, the President, Chief Executive Officer and Chairman of the Board. Identify the state of incorporation and agents for service of process in the state of incorporation and in New York State for each corporation identified in your response to this question.
- 2. Identify the address, Section, Block and Lot numbers, and the size of each property (hereinafter, "Property" or "Properties") that your Company either presently owns and/or formerly owned within the Site from the date your Company, or any related company had an ownership interest. (See Definitions section for terms.)
- 3. For each Property identified in response to question 2. in which your Company has and/or had an ownership interest currently or in the past, please identify:
  - a. The date your Company acquired an ownership interest. An ownership interest includes, but is not limited to, fee owner, lessor or lessee, licensee and/or operator;
  - b. The name and address of all other current and/or previous owners;
  - c. All individuals or entities that have leased, subleased or otherwise operated at each Property at any time currently or in the past, and identify the dates (month and year) that each such individual or entity began and ended its leasehold interest or its operations;
  - d. Any portion of any Property which was transferred or sold, and the block and lot number, the date of the transfer or sale, the sale price and the entity that acquired the Property;
  - e. The relationship, if any, between your Company and each of the individuals and/or other entities identified as having leased or operated at each Property;
  - f. Your Company's involvement in all operations conducted by each lessee and/or other individual or entity identified in response to question 3c., above; and
  - g. For each Property, provide all documents relevant to your responses to questions

3a.- 3f., above, and provide copies, including, but not limited to, copies of surveys, title search documents, deeds, rent rolls, leases and correspondence.

4. Provide copies of all maps, building plans, floor plans and/or drawings for each Property identified in response to question 2., above. Your response to this question should include, but not be limited to, providing plumbing and drainage system plans for all structures on each Property.

For both current (if still in operation) and past operations during the period of time that the Company was at a Property, please identify and provide a description of

- a. all surface structures and features (e.g., buildings, above-ground storage tanks, paved, unpaved areas and parking lots, and dates when paved areas were paved);
- b. all past and present plumbing systems, above and below-ground discharge piping, sumps, storm water drainage systems, sanitary sewer systems, septic tanks, dry wells, subsurface disposal fields, and underground storage tanks; and
- c. all currently existing and previously existing chemical and industrial hazardous substance storage, transfer, spill and disposal areas.
- 5. For each Property identified in question 2., above, at which your Company conducted operations, describe in detail the manufacturing processes and/or other operations that your Company conducted at the Property, and identify the years during which your Company conducted operations there. If those operations were not constant throughout your Company's operations, describe the nature of all changes in operations, and state the year of each change. If detailed information about your Company's operations is not available, provide, at a minimum, a general description of the nature of your Company's business at the Property, the years of operation, the type of work your Company conducted, and the number of employees for all the operations.
- 6. With respect to industrial wastes at a Property:
  - a. List all industrial wastes that were used, stored, generated, handled or received by your Company at the Property. Your response to this question should include, but not be limited to, use, storage, generation and/or handling of trichloroethylene ("TCE"), tetrachloroethylene ("PCE"), 1,1,1-trichloroethane ("1,1,1-TCA") and other chlorinated or non-chlorinated solvents. Be as specific as possible in identifying each chemical, and provide, among other things, the chemical name, brand name, and chemical content;
  - b. State when each industrial waste identified in your response to question 6a., above, was used, stored, generated, handled or received, and state the volume of each industrial waste used, stored, generated and/or handled on an annual basis; and

- c. Describe the activity or activities in which each industrial waste identified in your response to question 6a., above, was used, stored, handled or received.
- 7. Describe in detail how and where the industrial wastes identified in response to question 6., above, were disposed. For each disposal location and method, state the nature and quantity of the material disposed of on an annual basis. For those time periods when a precise quantity is not available, provide an estimate.
- 8. Describe in detail any knowledge your Company has about intentional or unintentional disposal of industrial wastes at each Property identified in response to question 2., above, including, but not limited to, TCE, PCE and/or other chlorinated or non-chlorinated solvents or wastes containing such solvents, at any time currently or in the past. Your response should include instances in which industrial wastes were spilled or otherwise disposed onto or into the floors or the ground from septic systems, pipes, drains, drums, tanks, or by any other means. Provide copies of all documents relevant to your response.
- 9. Identify all leaks, spills, or releases of any kind of any industrial wastes (including, but not limited to, TCE and PCE or other chlorinated or non-chlorinated solvents or wastes containing such solvents) into the environment that have occurred, or may have occurred, at or from the Property, including any leaks or releases from drums and other containers. Provide copies of all documents relevant to your response.
- 10. Explain whether any repairs or construction were implemented to address any leaks, spills, releases or threats of releases of any kind, the nature of the work and the dates of any such work. Provide copies of all analyses, characterizations, environmental assessments or studies or any report or other description of any investigations, removal actions, remedial activities, or any other work conducted by your Company or by any other party on your Company's behalf relating to industrial wastes released at or from any Property and/or the Site. If any copies of the records requested in this question are available electronically, kindly submit your answer to this question on a disk.
- 11. Provide copies of all insurance policies held and indemnification agreements entered into by the Company which may potentially indemnify the Company against any liability which it may be found to have under CERCLA for releases and threatened releases of hazardous substances at and from the Property. In response to this request, please provide not only those insurance policies and agreements which currently are in effect, but also those that were in effect during any portion of the time the Company conducted operations at, or held a property interest. Your response should also identify the specific Property related to each policy and/or agreement.
- 12. State the names, telephone numbers and present or last known addresses of all individuals whom you have reason to believe may have knowledge, information or documents regarding the use, storage, generation, disposal of or handling of industrial wastes at the Site, the transportation of such materials to the Site, or the identity of any companies whose material was treated or disposed of at the Site.

- 13. If you have information or documents which may help EPA identify other companies that conducted operations, owned property, or were responsible for the handling, use, storage, treatment, or disposal of industrial wastes that potentially contributed to chlorinated solvent contamination of the Site, please provide that information and those documents, and identify the source(s) of your information.
- 14. Please state the name, title and address of each individual who assisted or was consulted in the preparation of your response to this Request for Information. In addition, state whether each such person has personal knowledge of the answers provided.

# CERTIFICATION OF ANSWERS TO REQUEST FOR INFORMATION

State of	
County of:	
information submitted in this docum New Cassel/Hicksville Site) and all a submitted information is true, accura are complete and authentic unless of penalties for submitting false inform am also aware that I am under a cont Request for Information if any additi	have personally examined and am familiar with the ent (response to EPA Request for Information regarding the documents submitted herewith, and that I believe that the ate, and complete, and that all documents submitted herewith herwise indicated. I am aware that there are significant action, including the possibility of fine and imprisonment. I tinuing obligation to supplement my response to EPA's ional information relevant to the matters addressed in EPA's onse thereto should become known or available to me.
	NAME (print or type)
	TITLE (print or type)
	SIGNATURE
7	Sworn to before me this
	day of, 2013
	Notary Public